

**Fill in this information to identify your case:**

United States Bankruptcy Court for the:

WESTERN DISTRICT OF TEXAS

Case number (if known) \_\_\_\_\_

Chapter 11

☐ Check if this an amended filing

**Official Form 201**

**Voluntary Petition for Non-Individuals Filing for Bankruptcy**

4/16

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name EPTMS, INC.

2. All other names debtor used in the last 8 years

Include any assumed names, trade names and *doing business as* names

DBA The Mattress Store

3. Debtor's federal Employer Identification Number (EIN) 45-4172188

4. Debtor's address **Principal place of business**

9813 Dyer, Suite 300  
El Paso, TX 79924

Number, Street, City, State & ZIP Code

El Paso  
County

**Mailing address, if different from principal place of business**

\_\_\_\_\_  
P.O. Box, Number, Street, City, State & ZIP Code

**Location of principal assets, if different from principal place of business**

\_\_\_\_\_  
Number, Street, City, State & ZIP Code

5. Debtor's website (URL) \_\_\_\_\_

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

☐ Partnership (excluding LLP)

☐ Other. Specify: \_\_\_\_\_

7. Describe debtor's business A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))  
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))  
☐ Railroad (as defined in 11 U.S.C. § 101(44))  
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))  
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))  
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))  
☒ None of the above

B. Check all that apply

- ☐ Tax-exempt entity (as described in 26 U.S.C. § 501)  
☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)  
☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.  
See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

8. Under which chapter of the Bankruptcy Code is the debtor filing? Check one:

- ☐ Chapter 7  
☐ Chapter 9

☒ Chapter 11. Check all that apply:

- ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,566,050 (amount subject to adjustment on 4/01/19 and every 3 years after that).  
☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).  
☐ A plan is being filed with this petition.  
☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).  
☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11 (Official Form 201A) with this form.  
☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

- ☐ Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?  
If more than 2 cases, attach a separate list.

- ☒ No.  
☐ Yes.

District	_____	When	_____	Case number	_____
District	_____	When	_____	Case number	_____

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

- ☒ No  
☐ Yes.

List all cases. If more than 1, attach a separate list

Debtor	_____	Relationship	_____
District	_____	When	_____
		Case number, if known	_____

**11. Why is the case filed in this district?**

Check all that apply:

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

**12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?**☒ No☐ Yes.

Answer below for each property that needs immediate attention. Attach additional sheets if needed.

**Why does the property need immediate attention? (Check all that apply.)**☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard? \_\_\_\_\_

☐ It needs to be physically secured or protected from the weather.☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).☐ Other \_\_\_\_\_**Where is the property?** \_\_\_\_\_

Number, Street, City, State &amp; ZIP Code

**Is the property insured?**☐ No☐ Yes. Insurance agency \_\_\_\_\_

Contact name \_\_\_\_\_

Phone \_\_\_\_\_

**Statistical and administrative information****13. Debtor's estimation of available funds**

Check one:

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

**14. Estimated number of creditors**☒ 1-49☐ 50-99☐ 100-199☐ 200-999☐ 1,000-5,000☐ 5001-10,000☐ 10,001-25,000☐ 25,001-50,000☐ 50,001-100,000☐ More than 100,000**15. Estimated Assets**☐ \$0 - \$50,000☐ \$50,001 - \$100,000☒ \$100,001 - \$500,000☐ \$500,001 - \$1 million☐ \$1,000,001 - \$10 million☐ \$10,000,001 - \$50 million☐ \$50,000,001 - \$100 million☐ \$100,000,001 - \$500 million☐ \$500,000,001 - \$1 billion☐ \$1,000,000,001 - \$10 billion☐ \$10,000,000,001 - \$50 billion☐ More than \$50 billion**16. Estimated liabilities**☐ \$0 - \$50,000☐ \$50,001 - \$100,000☐ \$100,001 - \$500,000☐ \$500,001 - \$1 million☒ \$1,000,001 - \$10 million☐ \$10,000,001 - \$50 million☐ \$50,000,001 - \$100 million☐ \$100,000,001 - \$500 million☐ \$500,000,001 - \$1 billion☐ \$1,000,000,001 - \$10 billion☐ \$10,000,000,001 - \$50 billion☐ More than \$50 billion

Debtor EPTMS, INC.  
Name

Case number (if known) \_\_\_\_\_

**Request for Relief, Declaration, and Signatures**

**WARNING** -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature  
of authorized  
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 10/25/2017  
MM / DD / YYYY

X Ricardo Solano  
Signature of authorized representative of debtor

Ricardo Solano aka Javier Ricardo Solano  
Ramirez  
Printed name

Title President

**18. Signature of attorney**

X E.P. Bud Kirk  
Signature of attorney for debtor

Date 10/25/17  
MM / DD / YYYY

E.P. BUD KIRK  
Printed name

E.P. BUD KIRK  
Firm name

600 Sunland Park Dr.  
Building Four, Ste. 400  
El Paso, TX 79912  
Number, Street, City, State & ZIP Code

Contact phone 915-584-3773

Email address budkirk@aol.com

11508650  
Bar number and State

**CORPORATE RESOLUTION  
OF THE SOLE DIRECTOR AND SHAREHOLDER  
OF EPTMS, INC.**

The undersigned being the sole director and sole shareholder of **EPTMS, INC.**, a Texas corporation, acting without a meeting pursuant to the Business Corporations Act of the State of Texas, does hereby unanimously adopt the following resolutions with the same force and effect as if they had been adopted at duly called regular meetings of the directors and shareholder of **EPTMS, INC.**:

WHEREAS, the corporation is in an adverse financial condition;

NOW, THEREFORE, it is RESOLVED, that **EPTMS, INC.** shall file for reorganization under Chapter 11, United States Code. RICARDO SOLANO, also known as JAVIER RICARDO SOLANO, and also known as JAVIER RICARDO SOLANO RAMIREZ, is authorized as the President to sign all documents and do all things necessary and proper to effect the Chapter 11 case.

FURTHER RESOLVED, that a copy of this Resolution shall be placed in the corporation's minutes book.

Signed at El Paso, Texas effective October 25, 2017.



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RICARDO SOLANO  
President

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

S T A T E M E N T

Petitioners are qualified to file this Petition and are entitled to the benefits of Title 11, United States Code as voluntary debtors, having not been debtors in a case pending under this Title at any time in the preceding 180 days in which the case was dismissed by the Court for willful failure to abide by orders of the Court, or to appear before the Court in the proper prosecution of the case, or in a case where the voluntary dismissal of a case was requested and obtained following the filing of a request for relief from the automatic stay provided by Section 362 of Title 11, United States Code.

**EPTMS, INC.**

By:   
RICARDO SOLANO

Its: President

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

In re  
EPTMS, INC.,  
  
Debtor.

§  
§  
§ Case No.  
§  
§

**DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR**

1. Pursuant to 11 U.S.C. § 329(a) and Bankruptcy Rule 2016(b), I certify that I am the attorney for the above-named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case as follows:

For legal services, I have agreed to accept	\$300.00/hr.
Prior to the filing of this statement I have received	\$2,700.00.
Balance Due	Hourly as Earned.
Amount of filing fee remaining to be paid	\$ .00.

2. The source of compensation to be paid to me was:

  X   Debtor                             Other (Specify)

3. The source of compensation to be paid to me is:

       Debtor                             Other (Specify)

4.   X   I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

       I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation, is attached.

5. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:

- a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;



- b. Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;
  - c. Representation of the debtor at the meeting of creditors and confirmation hearing (if any), and any adjourned hearings thereof;
  - d. Representation of the debtor in contested bankruptcy matters as those are defined under the Bankruptcy Rules.
  - e. [Other provisions as needed] Services necessary and proper to effect a reorganization of the business.
6. By agreement with the debtor(s), the above-disclosed fee does not include the following services:

Services unrelated to the reorganization case.

AGREED TO BY THE DEBTOR:

Date: 10/25/2017

**EPTMS, INC.**

By: Ricardo Solano

RICARDO SOLANO

Its: President

**CERTIFICATION**

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor in this bankruptcy proceeding.

10/25/17  
Date

/s/ E.P. Bud Kirk

E.P. BUD KIRK

Texas State Bar No. 11508650

600 Sunland Park Dr.

Building Four, Suite 400

El Paso, Texas 79912

(915) 584-3773

(915) 581-3452 facsimile

[budkirk@aol.com](mailto:budkirk@aol.com)

Attorney for the Debtor



# UNITED STATES BANKRUPTCY COURT

Western District of Texas

In re

EPTMS, INC.,

Debtor.

Case No.

## SUMMARY OF SCHEDULES

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts from Schedules D, E, and F to determine the total amount of the debtor's liabilities.

### AMOUNTS SCHEDULED

NAME OF SCHEDULE	ATTACHED (YES/NO)	# OF SHEETS	ASSETS	LIABILITIES	OTHER
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A. Real Property

B. Personal Property

C. Property Claimed  
as Exempt

This is an emergency filing. Schedules and  
a Statement of Affairs will be filed within  
14 days of filing of the Emergency Voluntary  
Petition.

D. Creditors Holding  
Secured Claims

E. Creditors Holding  
Unsecured Priority  
Claims

F. Creditors Holding  
Unsecured Non-  
Priority Claims

G. Executory Contracts  
and Unexpired  
Leases

H. Codebtors

I. Current Income of  
Individual Debtor(s)

J. Current  
Expenditures of  
Individual Debtor(s)

Total Number of Sheets in ALL Schedules ▶	
Total Assets ▶ \$	
Total Liabilities ▶ \$	

**United States Bankruptcy Court  
Western District of Texas**

In re EPTMS, INC.

Debtor(s)

Case No.  
Chapter

11

**VERIFICATION OF CREDITOR MATRIX**

I, the Sole Director and Shareholder of the corporation named as the debtor in this case, hereby verify that the partial attached list of creditors is true and correct to the best of my knowledge. A supplemental list will be filed as soon as practicable.

Date:

10/25/2017

Ricardo Solano

**Ricardo Solano**  
**aka Javier Ricardo Solano Ramirez**  
**President**  
Signer/Title

American Express Corporate Card  
4315 S. 2700 W  
Salt Lake City, UT 84184-0440

American Express Platinum Business  
4315 S. 2700 W  
Salt Lake City, UT 84184-0440

BMO Harris Bank N.A.  
P.O. Box 71951  
Chicago, IL 60694-1951

Columbus Capital, LLC  
141 E. Palace Ave.  
Santa Fe, NM 87501

Coronado Towers  
c/o Daxok Texas  
P.O. Box 12127  
El Paso, TX 79913

Corsicana Bedding  
3001 South U.S. Hwy 207  
Corsicana, TX 75109

Downstream Properties  
4445 N. Mesa  
El Paso, TX 79902

El Paso County Tax Assessor/Collector  
301 Manny Martinez Dr.  
El Paso, TX 79905

El Paso Electric Company  
c/o Jeffrey T. Weikert  
100 N. Stanton Street  
El Paso, TX 79901

El Paso Water Utilities  
c/o Daniel Ortiz  
1154 Hawkins  
El Paso, TX 79925

EP Summit Investment  
3737 Gateway West  
El Paso, TX 79903

HNMI Two LLC  
2934 Beverly Glen Circle #172  
Los Angeles, CA 90077

HYIF San Mateo, LLC  
1391 Speer Blvd., Ste. 800  
Denver, CO 80204

Internal Revenue Service  
Centralized Insolvency Office  
P.O. Box 7346  
Philadelphia, PA 19101-7346

IRS Insolvency Office  
300 E. 8th Street, Mail Stop 5026AUS  
Austin, TX 78701

Kingsdown  
126 West Holt Street  
Mebane, NC 27302

Las Cruces Utilities  
680 N. Motel Blvd.  
Las Cruces, NM 88007

Maestas & Wand  
P.O. Box 91090  
Albuquerque, NM 87199

MAZIE'S LLP  
109 N. Oregon Street #12  
El Paso, TX 79901

MIMCO  
6500 Montana  
El Paso, TX 79925

NAI 1st Valley  
1155 S. Telsvor, Ste. 300  
Las Cruces, NM 88011

New Mexico Gas Company  
P.O. Box 97500  
Albuquerque, NM 87199-7500

Pearl Delta Funding, LLC  
c/o Ariel Bouskila Esq.  
40 Exchange Place, Suite 1306  
New York, NY 10005

Pearl Delta Funding, LLC  
100 Williams St., 9th Floor  
New York, NY 10038

Rapid Capital Funding  
1225 West 190th Street, Suite 400  
Gardena, CA 90248

Richard Rosen, Inc.  
306 E. Overland Ave.  
El Paso, TX 79911

Serta/Dormae  
1300 Blackjack  
Lockhart, TX 78644

Tar Venture  
141 Roadrunner Pkwy, Ste. 141  
Las Cruces, NM 88011

Texas Gas Service  
c/o Stephanie G. Houle  
1301 South Mopac Expressway, Suite 400  
Austin, TX 78746

United States Attorney  
Civil Process Clerk-  
Internal Revenue Service  
601 N.W. Loop 410, Suite 600  
San Antonio, TX 78216

United States Attorney General  
Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

Valassis  
235 Great Pohd Dr.  
Windsor, CT 06095

Weingarien/URI Northtown  
P.O. Box 924133  
Houston, TX 77292-4133